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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 1041-01-PCT-PA | |
|---|--|---|---------------------------|
| <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on _____]</p> <p>Signature _____</p> <p>Typed or printed name _____</p> | | Application Number 10/565,343 | Filed January 20, 2006 |
| | | <p>First Named Inventor Mark Alan Watt</p> <p>Art Unit 2628</p> <p>Examiner Nguyen, Phu K.</p> | |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p>Note: No more than five (5) pages may be provided.</p> | | | |
| <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>28727</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> | |  <p>Signature</p> <p>Howard J. Klein</p> <p>Typed or printed name</p> <p><u>949-955-1920</u></p> <p>Telephone number</p> <p><u>27</u> May , 2008</p> <p>Date</p> | |
| <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> | | | |
| <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> | | | |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark A. Watt
Assignee: Antics Technologies Limited
Title: APPARATUS FOR CONTROLLING A VIRTUAL ENVIRONMENT
Serial No.: 10/565,343 Filed: January 20, 2006
Examiner: Nguyen, Phu K. Group Art Unit: 2628
Confirmation No.: 2091
Attorney Docket No.: 1041-01-PCT-PA

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

STATEMENT OF REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

A Pre-Appeal Brief Request for Review of the subject application is filed herewith, along with a Notice of Appeal under 37 CFR 41.31. The following is Applicant's statement of reasons for requesting a pre-appeal brief review:

Claims 1-24 stand rejected under 35 U.S.C. §102(b) as anticipated by US 6,476,830 – Farmer et al. The Examiner's arguments in support of the rejection are set forth in the Final Office Action mailed March 5, 2008, at pp. 2-6. Claims 20 and 22 have been cancelled in an Amendment under 37 CFR 1.116 filed May 1, 2008, leaving claims 1-19, 21, 23, and 24 on appeal.

Background

A principal objective of the present invention is to maintain the integrity of a virtual environment that is populated by both avatars and props so that events arising in the virtual world appear to realistically mimic the real world. Two scenarios that can cause disruption to the integrity of a virtual environment are i) interactions between objects, in particular between avatars and props, and ii) the attachment of an object to another object; for example, animations depicting a scene involving an avatar (e.g., a character) holding a prop (e.g., a glass).

Designers have traditionally dealt with the first situation by trying to predict all possible interactions that may arise among the objects within a virtual scene, and then creating a bespoke animation for each interaction. As a consequence of the workload

involved in creating bespoke animations, designers have had to compromise the integrity of a scene by restricting the interactions that are actually available within a particular scene.

The second situation has been dealt with by trying to predict all possible combinations of objects that may arise and ensuring that an animation is available for each possible combination. Thus, it has been necessary to provide separate animations for the avatar with and without the prop.

Patentability over US 6,476,830 – Farmer et al. (“Farmer”)

Farmer discloses systems to be implemented on a computer network that are intended to facilitate interaction and, in particular, pseudo-monetary exchange, between persons within a virtual community. The virtual community is populated by objects, including one or more avatar objects, which may move through the virtual world, and one or more "portable virtual objects" (props), such as tokens, that may be dynamically attached to, or detached from, an avatar.

It may be seen, for example, from Table 33 of Farmer (column 32, line 20 to column 35, line 15) that the multi-part animations that an avatar may perform are defined by the avatar, and not by the props. Although Farmer may be considered to disclose props having associated with them information relating to animations to be performed by the avatar when interacting with the prop, the information serves only to select one or more of the animations that are defined by the avatar, and not by the prop. Thus, a difference between the Farmer disclosure and the present invention, as defined, for example, by independent claims 1, 18, and 24, is that, according to these claims, a prop has associated with it "information defining one or more animations which may be performed by the avatar when said avatar interacts with the prop." In other words, a key aspect of the present invention is that it uses "prop-centric" animations; i.e., the prop defines the animations, whereas the avatar does not. This feature therefore represents a distinction between the present invention and the disclosure of Farmer.

Viewed another way, the claimed subject matter differs from that of Farmer in that, unlike Farmer, in the invention defined in the claims, the avatar is "operable to query the

prop for the information defining animation that the avatar is to perform when the avatar interacts with the prop.” This feature is apparently lacking in the Farmer disclosure.

The technical effect of the aforementioned differences between the Applicant’s claimed invention and the Farmer disclosure is that, in the claimed invention, the integrity of the virtual environment is maintained, even when major changes take place in a virtual scene. For example, consider the situation in which a new prop is to be “dropped” (term used in the art) into an existing virtual scene. Previously in this situation, a designer would have to predict all of the interactions between that new prop and the objects already populating the scene. It would then be necessary to create bespoke animations for each predicted interaction, and this would involve editing the animation library associated with each of the avatars within the scene.

According to the claimed invention, a designer (who may be a user of an animation system embodying the present invention) can create a new prop for an existing virtual scene and may write animations that are to be performed during an interaction between that new prop and the existing avatars. The information defining these animations will be associated with the prop, so that when the prop is introduced into the virtual world, it will immediately be able to interact with the avatars in the scene. Thus, it is not necessary to edit the avatar animation files, and therefore the workload of the graphic designer is greatly reduced.

Furthermore, the present invention is particularly useful as an authoring tool (i.e. a computer animation system which allows a user to build or modify a virtual environment and create animation sequences for later reply or editing), since it provides a simple mechanism for creating and editing new objects for a virtual environment.

Nothing in Farmer either teaches or suggests that information defining an animation to be performed by an avatar could be associated with a prop, rather than with the avatar itself. Indeed, it is respectfully submitted that this feature of the claimed invention is actually counter intuitive, since animations are primarily performed by avatars (e.g. characters) rather than props (e.g. chairs etc), and it is therefore logical for the information defining the animations to be associated with (e.g., constitute a state machine of) the avatar

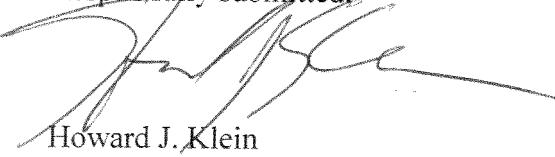
that will perform it. The present invention, as defined in the claims, has therefore gone against accepted thinking in the art, as exemplified by Farmer, and has arrived at a solution that provides significant advantages over the prior art.

A further advantage of the present invention relates to the elegant way in which prop-centric animation allows for the simultaneous occurrence of an interaction between two objects and the attachment of one of those objects to another object. This feature is clearly defined in independent claims 1, 18, and 24, which require that "when the prop is dynamically attached to another object, the information defining the animation(s) to be performed by one or more of the avatars during an interaction with the prop, remains associated with the prop." Again, there is no suggestion of this feature in Farmer. Such a feature would be analogous to the avatar of Farmer picking up the ATM machine, and other avatars still being able to interact with the ATM machine by querying the ATM machine for information about the animation it is to perform during that interaction.

In summary, the subject matter defined in claims 1-19, 21, 23, and 24 is neither taught nor suggested by Farmer, which, in fact, teaches *away from* the claimed invention. Therefore, it is respectfully submitted that these claims define patentably over the cited art and should be allowed. Therefore, for the reasons set forth above, it is Applicant's position that the final rejection is in error. On this basis, Applicant respectfully submits that its Pre-Appeal Brief Request for Review should be granted, that the final rejection of claims 1-19, 21, 23, and 24 should be withdrawn and the claims allowed, and that the application should be passed to issue.

Dated: May 27, 2008

Respectfully submitted,



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